

# Summary Chart: Federal and State Requirements for Competitive Foods in Private Schools and Residential Child Care Institutions

This document summarizes the federal and state requirements for selling and giving competitive foods to students in private schools and residential child care institutions (RCCIs) that participate in the U.S. Department of Agriculture's (USDA) National School Lunch Program (NSLP) and School Breakfast Program (SBP). "Competitive foods" are all foods and beverages available for sale to students on school premises, separately from reimbursable meals and snacks served through the USDA's Child Nutrition Programs (CNPs). Under Section 10-215b-1 of the Regulations of Connecticut State Agencies, competitive foods also include certain foods and beverages that are given to students while CNPs are operating.

For an overview of the requirements for competitive foods in private schools and RCCIs, refer to the Connecticut State Department of Education's (CSDE) resource, [Requirements for Competitive Foods in Private Schools and Residential Child Care Institutions](#). For detailed guidance on the requirements for competitive foods in private schools and RCCIs, refer to the CSDE's [Guide to Competitive Foods in Private Schools and Residential Child Care Institutions](#).

## Overview of Requirements

All competitive foods available for sale to students in private schools and RCCIs must comply with the U.S. Department of Agriculture's (USDA) Smart Snacks nutrition standards ([81 FR 50131](#)). In addition to these nutrition standards, private schools and RCCIs must also comply with the following federal and state requirements:

- Connecticut's state competitive foods regulations ([Sections 10-215b-1 and 10-215b-23 of Regulations of Connecticut State Agencies](#));
- the local educational agency's (LEA) school wellness policy, as required by the USDA's school wellness policy legislation ([Section 4 of Public Law 108-265](#) and the [Healthy, Hunger-Free Kids Act of 2010](#)); and
- the USDA's regulation for revenue from nonprogram foods ([7 CFR 210.14 \(f\)](#)).

For a summary of these requirements, refer to [table 1](#).



# Summary Chart: Federal and State Requirements for Competitive Foods in Private Schools and Residential Child Care Institutions

## When the Requirements Apply

These federal and state requirements determine what and when foods and beverages may be sold or given to students in private schools and RCCIs. They also regulate the accrual of income from sales of foods and beverages to students. Some requirements apply during the school day, while others apply at all times or while CNPs are operating. When the federal and state regulations supersede each other, private schools and RCCIs must follow the stricter requirements. The definitions below apply to the federal and state requirements for competitive foods.

- “Sales” means the exchange of a determined amount of money or its equivalent (such as coupons, tickets, tokens, and similar items) for foods and beverages. Sales also include programs and activities that charge a fee that includes the cost of foods and beverages provided to students, and activities that suggest a student donation in exchange for foods and beverages. Under Connecticut’s statutes and regulations for competitive foods, sales include coupons and similar items that are given to students (such as food rewards), and can be exchanged for foods and beverages. However, Smart Snacks does not apply when coupons and similar items are given to students.
- “Giving” means that foods and beverages are provided free of any charge, contribution, or suggested donations; and without the exchange of tickets, coupons, tokens, and similar items to obtain foods and beverages.
- “School premises” include all areas of the property under the jurisdiction of the local or regional board of education, the regional vocational-technical school system (Connecticut Technical Education and Career System (CTECS)), or the governing authority district or school.
- The “school day” is the period from the midnight before to 30 minutes after the end of the official school day. For example, if school ends at 3:00 p.m., the school day is midnight to 3:30 p.m. A summer school program operated by the board of education or school governing authority is part of the regular school day.
- The CNPs include the [NSLP](#), [School Breakfast Program \(SBP\)](#), [Afterschool Snack Program \(ASP\)](#) of the NSLP, [Seamless Summer Option \(SSO\)](#) of the NSLP, [Special Milk Program \(SMP\)](#), [Fresh Fruit and Vegetable Program \(FFVP\)](#), [Child and Adult Care Food Program \(CACFP\)](#) [At-risk Afterschool Meals](#) operated in schools, and [Summer Food Service Program \(SFSP\)](#) operated in schools.

Table 1 summarizes when the federal and state requirements apply to private schools and RCCIs, which foods and beverages they restrict, and whether they apply to selling or giving foods and beverages to students. [Table 2](#) summarizes when the federal and state requirements apply to different sources of competitive foods in HFC public schools.

## Summary Chart: Federal and State Requirements for Competitive Foods in Private Schools and Residential Child Care Institutions

**Table 1. Overview of requirements for competitive foods in private schools and RCCIs**

Federal/state requirement	Description	Applies to	When applies	Applies to	
				Selling	Giving
<b>Federal (USDA):</b> Smart Snacks Nutrition Standards ( <a href="#">81 FR 50131</a> )	Effective July 1, 2014, this USDA regulation defines the nutrition standards required for competitive foods sold to students in all schools and institutions that participate in the NSLP and SBP. The Smart Snacks categories include entrees sold only a la carte, side dishes, and beverages. For information on the specific Smart Snacks standards, refer to the CSDE's resources, <a href="#">Summary of Smart Snacks Nutrition Standards</a> and <a href="#">Questions and Answers on Smart Snacks</a> , and visit the CSDE's <a href="#">Smart Snacks Nutrition Standards</a> webpage.	All foods sold to students on school premises separately from reimbursable meals and snacks through the CNPs.	During the school day.	Yes	No

## Summary Chart: Federal and State Requirements for Competitive Foods in Private Schools and Residential Child Care Institutions

**Table 1. Overview of requirements for competitive foods in private schools and RCCIs, *continued***

Federal/state requirement	Description	Applies to	When applies	Applies to	
				Selling	Giving
<b>State:</b> <a href="#">Section 10-215b-1 of the Regulations of Connecticut State Agencies:</a> Competitive foods (candy, coffee, tea, and soft drinks)	<p>Effective August 25, 1992, this state regulation prohibits selling and giving candy, coffee, tea, and soft drinks to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day.</p> <ul style="list-style-type: none"> <li>“Candy” includes all types of regular and sugar-free varieties, such as chocolates, chocolate-covered nuts and fruits, candy bars, hard candies, lollipops, caramels, taffy, licorice, jelly candies (e.g., gumdrops, gummies, and jelly beans), and breath mints.</li> <li>“Coffee” and “tea” include all types, e.g., regular, decaffeinated, herbal, and iced.</li> <li>“Soft drinks” include all beverages (with or without carbonation) that contain water and/or juice and added sweeteners (including nutritive sweeteners and artificial or natural nonnutritive sweeteners), and may also contain other ingredients such as edible acids, natural or artificial flavors and colors, and added nutrients. Examples of soft drinks include soda (regular and diet), sports drinks (regular, low-calorie, and zero calorie), sweetened beverages (with or without carbonation) that are not 100 percent juice (such as lemonade and fruit punch drinks), and flavored water with added sweeteners.</li> </ul> <p>Section 10-215b-1 applies to all schools and institutions that participate in the CNPs, including public schools, private schools, and RCCIs. For more information, refer to the CSDE’s resource, <a href="#">Overview of Connecticut Competitive Foods Regulations</a>.</p>	Selling and giving candy, coffee, tea, and soft drinks to students anywhere on school premises while any CNPs are operating.	From 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day.	Yes	Yes

## Summary Chart: Federal and State Requirements for Competitive Foods in Private Schools and Residential Child Care Institutions

**Table 1. Overview of requirements for competitive foods in private schools and RCCIs, *continued***

Federal/state requirement	Description	Applies to	When applies	Applies to	
				Selling	Giving
<b>State:</b> <a href="#">Section 10-215b-23 of the Regulations of Connecticut State Agencies</a> : Accrual of Income	<p>Effective August 25, 1992, this state regulation requires that the income from all foods and beverages sold to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs (including during and after the school day) must accrue to the nonprofit food service account.</p> <ul style="list-style-type: none"> <li>• “Income” means gross income.</li> <li>• “Nonprofit food service account” means the restricted account in which all of the revenue from all food service operations conducted by the school food authority (SFA) principally for the benefit of school children is retained and used only for the operation or improvement of the nonprofit school food service. This account shall include, as appropriate, non-federal funds used to support paid lunches as provided in <a href="#">7 CFR 210.14(e)</a>, and proceeds from nonprogram foods as provided in <a href="#">7 CFR 210.14(f)</a>.</li> </ul> <p>Section 10-215b-1 applies to all schools and institutions that participate in the CNPs, including public schools, private schools, and RCCIs. For more information, refer to the CSDE’s resources, <a href="#">Overview of Connecticut Competitive Foods Regulations</a> and <a href="#">CSDE Operational Memorandum No. 1-18: Accrual of Income from Sales of Competitive Foods in Schools</a>.</p>	Accrual of income from all sales of foods and beverages to students anywhere on school premises while any CNPs are operating.	From 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day.	Yes	No

## Summary Chart: Federal and State Requirements for Competitive Foods in Private Schools and Residential Child Care Institutions

**Table 1. Overview of requirements for competitive foods in private schools and RCCIs, *continued***

Federal/state requirement	Description	Applies to	When applies	Applies to	
				Selling	Giving
<b>Federal (USDA):</b> School Wellness Policy ( <a href="#">Public Law 108-265</a> ) and the <a href="#">Healthy, Hunger-Free Kids Act (HHFKA) of 2010</a> (Final Rule <a href="#">81 FR 50151</a> )	The Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265) required all schools and institutions participating in the NSLP and SBP to develop a school wellness policy (SWP) by the first day of school year 2006-07. The HHFKA of 2010 strengthened the SWP law by adding requirements for public participation, transparency, and implementation. Among other requirements, the school wellness policy must include nutrition guidelines for all foods and beverages that are sold or given to students on school premises during the school day. For more information, visit the CSDE's <a href="#">School Wellness Policies</a> webpage.	Selling and giving foods and beverages to students on school premises, separately from reimbursable meals and snacks through the CNPs.	During the school day.	Yes	Yes
<b>Federal (USDA):</b> Revenue from Nonprogram Foods ( <a href="#">7 CFR 210.14 (f)</a> )	<p>Effective July 1, 2011, this USDA regulation requires that all revenue from sales of nonprogram foods must accrue to the nonprofit school food service account. "Nonprogram foods" are foods and beverages purchased using funds from the nonprofit school food service account, and sold to students (other than reimbursable meals and snacks served through the CNPs) and adults at any time or location on school premises. Nonprogram foods include all foods and beverages sold in schools, adult meals, outside-of-school hours, and catering or vending activities. For more information, review <a href="#">USDA Memo SP 13-2014: School Food Service Account Revenue from the Sale of Nonprogram Foods</a> and <a href="#">USDA Memo SP 20-2016: Nonprofit School Food Service Account Nonprogram Food Revenue Requirements</a>.</p> <p><b>Note:</b> Nonprogram foods are different from competitive foods. Some competitive foods are nonprogram foods because they are purchased using funds from the nonprofit school food service account, but many are not. For example, funds from the nonprofit school food service account might be used to purchase competitive foods that are sold from vending machines in the cafeteria; however, these funds are not typically used to purchase competitive foods that are sold from school stores and fundraisers. For most school food authorities (SFA), cafeteria a la carte sales account for the majority of nonprogram foods.</p>	All foods and beverages purchased using funds from the nonprofit school food service account, and sold to students (outside of reimbursable meals and snacks through the CNPs) and adults on school premises.	At all times.	Yes	No

# Summary Chart: Federal and State Requirements for Competitive Foods in Private Schools and Residential Child Care Institutions

## Allowable Foods and Beverages

All foods and beverages available for sale to students on school premises during the school day, separately from reimbursable meals and ASP snacks, must comply with Smart Snacks, including commercial products and foods made from scratch. For information on the specific Smart Snacks requirements, refer to the CSDE's resource, [Summary of Smart Snacks Nutrition Standards](#), and visit the CSDE's [Smart Snacks Nutrition Standards](#) webpage.

Smart Snacks applies to the amount of the food **as served**, including any added accompaniments such as butter, margarine, cream cheese, jelly, mayonnaise, ketchup, mustard, relish, salad dressing, sauce, and gravy. When a food includes an accompaniment (such as a bagel with cream cheese or pancakes with syrup), the nutrition information for both items must be added together to refer to the serving for Smart Snacks compliance.

## Commercial products

The serving of a commercial product (including any added accompaniments) must meet each nutrition standard for the applicable Smart Snacks food category. The CSDE's [List of Acceptable Foods and Beverages webpage](#) identifies commercial food products that comply with Smart Snacks. Entities that sell foods and beverages may also use the Alliance for a Healthier Generation's [Smart Snacks Product Calculator](#) to assess food products for compliance with Smart Snacks. This tool cannot be used to identify allowable beverages because some requirements of the state beverage statute are stricter and supersede the Smart Snacks beverage standards.

## Foods made from scratch

The recipe's serving (including any added accompaniments) must meet each nutrition standard for the applicable Smart Snacks food category. Entities that sell foods made from scratch must complete the two steps below to provide documentation of each recipe's Smart Snacks compliance **before** selling these foods to students. Maintain this information on file for the CSDE's Administrative Review of the school nutrition programs.

1. **Standardized recipe with nutrition information per serving:** *This step is required to determine the recipe's nutrition information per serving.* Foods made from scratch must have a standardized recipe that indicates the calories, fat, saturated fat, trans fat, sodium, and sugars per serving. If the recipe does not include nutrition information or is missing nutrients, the selling entity must conduct a nutrient analysis to determine the recipe's nutrition information per serving. The nutrient analysis can be conducted with a nutrient analysis software program, or a nutrient analysis database and the CSDE's [CNS Worksheet 9: Nutrient Analysis of Recipes](#).

## Summary Chart: Federal and State Requirements for Competitive Foods in Private Schools and Residential Child Care Institutions

2. **Comparison of recipe's nutrition information per serving with the applicable Smart Snacks food category:** *This step is required to determine if the recipe's serving complies with Smart Snacks.* Compare the recipe's nutrition information per serving from step 1 (including any added accompaniments) with the required Smart Snacks nutrition standards.

For more information on evaluating recipes, refer to the CSDE's resources, [Guidance on Evaluating Recipes for Compliance with the CNS](#) and [How to Evaluate Foods Made from Scratch for Compliance with the CNS](#), and visit the "How To" section of the CSDE's CNS webpage. **Note:** While these resources address evaluating foods for compliance with the Connecticut Nutrition Standards (CNS) for HFC public schools, the same concepts apply to evaluating foods for Smart Snacks compliance.

### Sources of Foods and Beverages

Table 2 summarizes how the federal and state requirements apply to different sources of competitive foods in private schools and RCCIs. Some of the federal requirements are stricter than the state requirements, and some of the state requirements are stricter than the federal requirements. Some requirements apply during the school day, while others apply at all times or while CNPs are operating. When the federal and state regulations supersede each other, private schools and RCCIs must follow the stricter requirements.

Table 2. Does the regulation apply?				
Source of foods and beverages	USDA Smart Snacks Nutrition Standards (81 FR 50131)		State Competitive Foods Regulations	
	Foods	Beverages	Candy, coffee, tea, and soft drinks (Section 10-215b-1)	Accrual of income (Section 10-215b-23)
<b>S1: Sales to adults (non-students)</b> on school premises, such as school staff, parents, and other adults	No	No	No	No



## Summary Chart: Federal and State Requirements for Competitive Foods in Private Schools and Residential Child Care Institutions

**Table 2. Does the regulation apply?**

Source of foods and beverages	USDA Smart Snacks Nutrition Standards (81 FR 50131)		State Competitive Foods Regulations	
	Foods	Beverages	Candy, coffee, tea, and soft drinks (Section 10-215b-1)	Accrual of income (Section 10-215b-23)
<b>S2:</b> <b>Afterschool programs and activities</b> (such as enrichment programs, extracurricular classes, tutoring sessions, and clubs) on school premises that <b>sell</b> foods and beverages to students on school premises, <b>collect a fee</b> to cover the cost of foods and beverages provided to students, or <b>sell tickets</b> that can be exchanged for foods and beverages	No, unless the afterschool program or activity sells foods to students on school premises <i>before</i> the end of the school day. For example, if school ends at 3:00 p.m., Smart Snacks applies to all foods sold to students through 3:30 p.m.	No, unless the afterschool program or activity sells beverages to students on school premises <i>before</i> the end of the school day. For example, if school ends at 3:00 p.m., Smart Snacks applies to all beverages sold to students through 3:30 p.m.	<p>Yes, if CNPs are operating.</p> <p><b>Candy:</b> Smart Snacks already prohibits selling candy to students on school premises during the school day. In addition, Section 10-215b-1 prohibits selling and giving candy to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. For example, if the NSLP operates from 11:30 a.m. to 1:00 p.m., afterschool programs and activities cannot sell or give candy to students anywhere on school premises from 11:00 a.m. to 1:30 p.m.</p> <p><b>Coffee, tea, and soft drinks for elementary and middle school students:</b> Smart Snacks already prohibits selling coffee, tea, and soft drinks to elementary and middle school students during the school day. In addition, Section 10-215b-1 prohibits selling and giving these beverages to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. For example, if the ASP operates from 3:30 to 4:30 p.m., afterschool programs and activities cannot sell or give coffee, tea, and soft drinks to students anywhere on school premises from 3:00 p.m. to 5:00 p.m.</p> <p><b>Coffee, tea, and soft drinks for high school students:</b> Smart Snacks allows selling coffee, tea, and soft drinks to high school students at any time if these beverages comply with the requirements for the Smart Snacks category of “other flavored and/or carbonated beverages.” However, Section 10-215b-1 prohibits selling and giving these beverages to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. For example, if the NSLP operates from 11:30 a.m. to 1:00 p.m., afterschool programs and activities cannot sell or give candy, coffee, tea, and soft drinks to students anywhere on school premises from 11:00 a.m. to 1:30 p.m.</p>	Yes, if sales occur on school premises from 30 minutes before up through 30 minutes after any CNPs, including during and after the school day, including after the school day. For example, if the ASP operates from 3:30 p.m. to 4:30 p.m. the nonprofit food service account must receive the afterschool program’s income (including fees and ticket sales) from all foods and beverages sold to students anywhere on school premises from 4:00 p.m. to 5:00 p.m.

## Summary Chart: Federal and State Requirements for Competitive Foods in Private Schools and Residential Child Care Institutions

**Table 2. Does the regulation apply?**

Source of foods and beverages	USDA Smart Snacks Nutrition Standards (81 FR 50131)		State Competitive Foods Regulations	
	Foods	Beverages	Candy, coffee, tea, and soft drinks (Section 10-215b-1)	Accrual of income (Section 10-215b-23)
<b>S3: Afterschool Snack Program</b> operating after the school day	No, unless the ASP starts <i>before</i> the end of the school day, or sells additional foods to student separately from reimbursable snacks <i>before</i> the end of the school day. For example, if school ends at 3:00 p.m., Smart Snacks applies to all foods sold to students through 3:30 p.m.	No, unless the ASP starts <i>before</i> the end of the school day, or sells additional beverages to student separately from reimbursable snacks <i>before</i> the end of the school day. For example, if school ends at 3:00 p.m., Smart Snacks applies to all foods sold to students through 3:30 p.m.	Yes, if the ASP is operating.  Section 10-215b-1 prohibits selling and giving candy, coffee, tea, and soft drinks to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of the ASP. For example, if the ASP operates from 3:30 p.m. to 4:30 p.m., candy, coffee, tea, and soft drinks cannot be sold or given to students anywhere on school premises from 3:00 p.m. to 5:00 p.m.; either from the ASP or any other sources on school premises during this time.	Yes. Income from the ASP already accrues to the nonprofit food service account. The nonprofit food service account must also receive the income from all other sales of foods and beverages to students on school premises from 30 minutes before up through 30 minutes after the ASP.

## Summary Chart: Federal and State Requirements for Competitive Foods in Private Schools and Residential Child Care Institutions

**Table 2. Does the regulation apply?**

Source of foods and beverages	USDA Smart Snacks Nutrition Standards (81 FR 50131)		State Competitive Foods Regulations	
	Foods	Beverages	Candy, coffee, tea, and soft drinks (Section 10-215b-1)	Accrual of income (Section 10-215b-23)
<b>S4: Cafeteria a la carte sales</b> , i.e., foods and beverages <b>sold</b> separately from reimbursable meals in the NSLP and SBP (and any other CNPs operating in the cafeteria), including <b>sales of tickets</b> that students can exchange for a la carte foods and beverages	Yes, applies to all a la carte foods sold to students on school premises during the school day.	Yes, applies to all a la carte beverages sold to students on school premises during the school day.	<p>Yes, if the NSLP and SBP are operating.</p> <p><b>Candy:</b> Smart Snacks already prohibits selling candy to students on school premises during the school day. In addition, Section 10-215b-1 prohibits selling and giving candy to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of the NSLP and SBP, and any other CNPs, including during and after the school day. For example, if the NSLP operates from 11:30 a.m. to 1:00 p.m., the cafeteria cannot sell or give candy to students anywhere on school premises from 11:00 a.m. to 1:30 p.m.</p> <p><b>Coffee, tea, and soft drinks for elementary and middle school students:</b> Smart Snacks already prohibits selling coffee, tea, and soft drinks to elementary and middle school students during the school day. In addition, Section 10-215b-1 prohibits selling and giving these beverages to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of the NSLP and SBP, and any other CNPs, including during and after the school day. For example, if the ASP operates from 3:30 to 4:30 p.m., the cafeteria cannot sell or give coffee, tea, and soft drinks to students anywhere on school premises from 3:00 p.m. to 5:00 p.m.</p> <p><b>Coffee, tea, and soft drinks for high school students:</b> Smart Snacks allows selling coffee, tea, and soft drinks to high school students at any time if these beverages comply with the requirements for the Smart Snacks category of “other flavored and/or carbonated beverages.” However, Section 10-215b-1 prohibits selling and giving these beverages to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of the NSLP and SBP, and any other CNPs, including during and after the school day. For example, if the NSLP operates from 11:30 a.m. to 1:00 p.m., the cafeteria cannot sell or give candy, coffee, tea, and soft drinks to students anywhere on school premises from 11:00 a.m. to 1:30 p.m.</p>	Yes. Income from the NSLP and SBP already accrues to the nonprofit food service account. The nonprofit food service account must also receive the income (including ticket sales) from all other sales of foods and beverages to students anywhere on school premises from 30 minutes before up through 30 minutes after the NSLP and SBP. For example, if the SBP operates from 7:00 a.m. to 8:00 a.m. and the NSLP operates from 11:30 a.m. to 1:00 p.m., the nonprofit food service account must receive the income from all foods and beverages sold to students anywhere on school premises from 6:30 a.m. to 8:30 a.m. and 11:00 a.m. to 1:30 p.m.

## Summary Chart: Federal and State Requirements for Competitive Foods in Private Schools and Residential Child Care Institutions

**Table 2. Does the regulation apply?**

Source of foods and beverages	USDA Smart Snacks Nutrition Standards (81 FR 50131)		State Competitive Foods Regulations	
	Foods	Beverages	Candy, coffee, tea, and soft drinks (Section 10-215b-1)	Accrual of income (Section 10-215b-23)
<b>S5:</b> <b>Classroom parties that sell foods and beverages to students</b> on school premises, <b>collect a fee</b> to cover the cost of foods and beverages provided to students, or <b>sell tickets</b> that can be exchanged for foods and beverages <sup>1, 2</sup>	No, unless students actually <i>purchase</i> the foods from the classroom party during the school day. <sup>3</sup>	No, unless students actually <i>purchase</i> the beverages from the classroom party during the school day. <sup>3</sup>	Yes, if CNPs are operating.  Section 10-215b-1 prohibits selling and giving candy, coffee, tea, and soft drinks to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of the CNPs. For example, if the SBP operates from 7:30 a.m. to 8:30 a.m. and the NSLP operates from 11:30 a.m. to 1:00 p.m., classroom parties cannot sell candy, coffee, tea, and soft drinks to students anywhere on school premises from 7:00 a.m. to 9:00 a.m. or 11:00 a.m. to 1:30 p.m.	Yes, if sales occur on school premises from 30 minutes before up through 30 minutes after any CNPs, including during and after the school day. For example, if the NSLP operates from 11:30 a.m. to 1:00 p.m., the nonprofit food service account must receive the party's income (including fees and ticket sales) from all foods and beverages sold to students on school premises from 11:00 a.m. to 1:30 p.m.

<sup>1</sup> The CSDE strongly encourages schools to promote consistent health messages to students by providing healthy choices for celebrations at school. For more information, refer to the CSDE's resource, [Healthy Celebrations](#).

<sup>2</sup> The LEA's school wellness policy may have additional restrictions for foods and beverages at classroom parties. For more information, refer to [table 1](#).

<sup>3</sup> Smart Snacks does not apply to classroom parties when students, parents, or teachers supply foods and beverages or provide funds to purchase foods and beverages.

## Summary Chart: Federal and State Requirements for Competitive Foods in Private Schools and Residential Child Care Institutions

**Table 2. Does the regulation apply?**

Source of foods and beverages	USDA Smart Snacks Nutrition Standards (81 FR 50131)		State Competitive Foods Regulations	
	Foods	Beverages	Candy, coffee, tea, and soft drinks (Section 10-215b-1)	Accrual of income (Section 10-215b-23)
<b>S6: Classroom parties that give foods and beverages to students</b> , i.e., money or its equivalent (such as coupons, tickets, and tokens) is not exchanged for foods and beverages <sup>1, 2</sup>	No <sup>2, 3</sup>	No <sup>2, 3</sup>	Yes, if CNPs are operating.  Section 10-215b-1 prohibits selling and giving candy, coffee, tea, and soft drinks to students from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. For example, if the SBP operates from 7:30 a.m. to 8:30 a.m. and the NSLP operates from 11:30 a.m. to 1:00 p.m., classroom parties cannot give candy, coffee, tea, and soft drinks to students from 7:00 a.m. to 9:00 a.m. or 11:00 a.m. to 1:30 p.m.	No. Not applicable when income is not generated.
<p><sup>1</sup> The CSDE strongly encourages schools to promote consistent health messages to students by providing healthy choices for celebrations at school. For more information, refer to the CSDE's resource, <a href="#">Healthy Celebrations</a>.</p> <p><sup>2</sup> The LEA's school wellness policy may have additional restrictions for foods and beverages at classroom parties. For more information, refer to <a href="#">table 1</a>.</p>				

## Summary Chart: Federal and State Requirements for Competitive Foods in Private Schools and Residential Child Care Institutions

**Table 2. Does the regulation apply?**

Source of foods and beverages	USDA Smart Snacks Nutrition Standards (81 FR 50131)		State Competitive Foods Regulations	
	Foods	Beverages	Candy, coffee, tea, and soft drinks (Section 10-215b-1)	Accrual of income (Section 10-215b-23)
<b>S7: Classes and educational programs</b> that sell foods and beverages to students on school premises, <b>collect a fee</b> to cover the cost of foods and beverages provided to students, or <b>sell tickets</b> that can be exchanged for foods and beverages, e.g., family and consumer sciences classes, culinary programs <sup>1</sup> , or similar classes	Yes, applies to all foods sold to students on school premises during the school day. For example, if school ends at 3:00 p.m., Smart Snacks applies to all foods sold to students through 3:30 p.m.	Yes, applies to all beverages sold to students on school premises during the school day. For example, if school ends at 3:00 p.m., Smart Snacks applies to all beverages sold to students through 3:30 p.m.	<p>Yes, if CNPs are operating.</p> <p><b>Candy:</b> Smart Snacks already prohibits selling candy to students on school premises during the school day. In addition, Section 10-215b-1 prohibits selling and giving candy to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. For example, if the ASP operates from 3:30 p.m. to 4:30 p.m., classes cannot sell or give candy to students anywhere on school premises from 3:00 p.m. to 5:00 p.m.</p> <p><b>Coffee, tea, and soft drinks for elementary and middle school students:</b> Smart Snacks already prohibits selling coffee, tea, and soft drinks to elementary and middle school students during the school day. In addition, Section 10-215b-1 prohibits selling and giving these beverages to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. For example, if the ASP operates from 3:30 to 4:30 p.m., classes cannot sell or give coffee, tea, and soft drinks to students anywhere on school premises from 3:00 p.m. to 5:00 p.m.</p> <p><b>Coffee, tea, and soft drinks for high school students:</b> Smart Snacks allows selling coffee, tea, and soft drinks to high school students at any time if these beverages comply with the requirements for the Smart Snacks category of “other flavored and/or carbonated beverages.” However, Section 10-215b-1 prohibits selling and giving these beverages to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. For example, if the NSLP operates from 11:30 a.m. to 1:00 p.m., classes cannot sell or give candy, coffee, tea, and soft drinks to students anywhere on school premises from 11:00 a.m. to 1:30 p.m.</p>	Yes, if sales occur on school premises from 30 minutes before up through 30 minutes after any CNPs, including during and after the school day. For example, if the ASP operates from 3:30 to 4:30 p.m., the nonprofit food service account must receive the class’s income (including fees and ticket sales) from all foods and beverages sold to students anywhere on school premises from 3:00 p.m. to 5:00 p.m.

<sup>1</sup> For more information on culinary programs, refer to the CSDE’s resource, [Requirements for Foods and Beverages in Culinary Programs in Private Schools and RCCIs](#).



## Summary Chart: Federal and State Requirements for Competitive Foods in Private Schools and Residential Child Care Institutions

**Table 2. Does the regulation apply?**

Source of foods and beverages	USDA Smart Snacks Nutrition Standards (81 FR 50131)		State Competitive Foods Regulations	
	Foods	Beverages	Candy, coffee, tea, and soft drinks (Section 10-215b-1)	Accrual of income (Section 10-215b-23)
<b>S8: Clubs and organizations</b> that <b>sell</b> foods and beverages to students on school premises, <b>collect a fee</b> to cover the cost of foods and beverages provided to students, or <b>sell tickets</b> that can be exchanged for foods and beverages	Yes, applies to all foods sold to students on school premises during the school day. <sup>2</sup> For example, if school ends at 3:00 p.m., Smart Snacks applies to all foods sold to students through 3:30 p.m.	Yes, applies to all beverages sold to students on school premises during the school day. <sup>2</sup> For example, if school ends at 3:00 p.m., Smart Snacks applies to all beverages sold to students through 3:30 p.m.	<p>Yes, if CNPs are operating.</p> <p><b>Candy:</b> Smart Snacks already prohibits selling candy to students on school premises during the school day. In addition, Section 10-215b-1 prohibits selling and giving candy to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. For example, if the NSLP operates from 11:30 a.m. to 1:00 p.m., clubs and organizations cannot sell or give candy to students anywhere on school premises from 11:00 a.m. to 1:30 p.m.</p> <p><b>Coffee, tea, and soft drinks for elementary and middle school students:</b> Smart Snacks already prohibits selling coffee, tea, and soft drinks to elementary and middle school students during the school day. In addition, Section 10-215b-1 prohibits selling and giving these beverages to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. For example, if the ASP operates from 3:30 to 4:30 p.m., clubs and organizations cannot sell or give coffee, tea, and soft drinks to students anywhere on school premises from 3:00 p.m. to 5:00 p.m.</p> <p><b>Coffee, tea, and soft drinks for high school students:</b> Smart Snacks allows selling coffee, tea, and soft drinks to high school students at any time if these beverages comply with the requirements for the Smart Snacks category of “other flavored and/or carbonated beverages.” However, Section 10-215b-1 prohibits selling and giving these beverages to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. For example, if the NSLP operates from 11:30 a.m. to 1:00 p.m., clubs and organizations cannot sell or give candy, coffee, tea, and soft drinks to students anywhere on school premises from 11:00 a.m. to 1:30 p.m.</p>	Yes, if sales occur on school premises from 30 minutes before up through 30 minutes after any CNPs, including during and after the school day. For example, if the ASP operates from 3:30 to 4:30 p.m. and a club sells foods and beverages to students during the same time, the nonprofit food service account must receive the club’s income (including fees and ticket sales) from all foods and beverages sold to students anywhere on school premises from 3:00 p.m. to 5:00 p.m.

## Summary Chart: Federal and State Requirements for Competitive Foods in Private Schools and Residential Child Care Institutions

**Table 2. Does the regulation apply?**

Source of foods and beverages	USDA Smart Snacks Nutrition Standards (81 FR 50131)		State Competitive Foods Regulations	
	Foods	Beverages	Candy, coffee, tea, and soft drinks (Section 10-215b-1)	Accrual of income (Section 10-215b-23)
<b>S9: Concession stands</b> that <b>sell</b> foods and beverages to students on school premises, <b>collect a fee</b> to cover the cost of foods and beverages provided to students, or <b>sell tickets</b> that can be exchanged for foods and beverages e.g., concession stands at sports competition, theatrical productions, and school concerts	Yes, if foods are sold to students on school premises <i>before</i> the end of the school day. For example, if school ends at 3:00 p.m., Smart Snacks applies to all foods sold to students through 3:30 p.m.	Yes, if beverages are sold to students on school premises <i>before</i> the end of the school day. For example, if school ends at 3:00 p.m., Smart Snacks applies to all beverages sold to students through 3:30 p.m.	<p>Yes, if CNPs are operating.</p> <p><b>Candy:</b> Smart Snacks already prohibits selling candy to students on school premises during the school day. In addition, Section 10-215b-1 prohibits selling and giving candy to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. For example, if the NSLP operates from 11:30 a.m. to 1:00 p.m., concession stands cannot sell or give candy to students anywhere on school premises from 11:00 a.m. to 1:30 p.m.</p> <p><b>Coffee, tea, and soft drinks for elementary and middle school students:</b> Smart Snacks already prohibits selling coffee, tea, and soft drinks to elementary and middle school students during the school day. In addition, Section 10-215b-1 prohibits selling and giving these beverages to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. For example, if the ASP operates from 3:30 to 4:30 p.m., concession stands cannot sell or give coffee, tea, and soft drinks to students anywhere on school premises from 3:00 p.m. to 5:00 p.m.</p> <p><b>Coffee, tea, and soft drinks for high school students:</b> Smart Snacks allows selling coffee, tea, and soft drinks to high school students at any time if these beverages comply with the requirements for the Smart Snacks category of “other flavored and/or carbonated beverages.” However, Section 10-215b-1 prohibits selling and giving these beverages to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. For example, if the NSLP operates from 11:30 a.m. to 1:00 p.m., concession stands cannot sell or give candy, coffee, tea, and soft drinks to students anywhere on school premises from 11:00 a.m. to 1:30 p.m.</p>	Yes, if sales occur anytime on school premises from 30 minutes before up through 30 minutes after any CNPs, including during and after the school day. For example, if the ASP operates from 3:30 to 4:30 p.m., the nonprofit food service account must receive the concession stand’s income (including fees and ticket sales) from all foods and beverages sold to students anywhere on school premises from 3:00 p.m. to 5:00 p.m.



## Summary Chart: Federal and State Requirements for Competitive Foods in Private Schools and Residential Child Care Institutions

**Table 2. Does the regulation apply?**

Source of foods and beverages	USDA Smart Snacks Nutrition Standards (81 FR 50131)		State Competitive Foods Regulations	
	Foods	Beverages	Candy, coffee, tea, and soft drinks (Section 10-215b-1)	Accrual of income (Section 10-215b-23)
<b>S10: Events</b> that <b>sell</b> foods and beverages to students on school premises, <b>collect a fee</b> to cover the cost of foods and beverages provided to students, or <b>sell tickets</b> that can be exchanged for foods and beverages <sup>1</sup>	Yes, if foods are sold to students on school premises <i>before</i> the end of the school day. <sup>2</sup> For example, if school ends at 3:00 p.m., Smart Snacks applies to all foods sold to students through 3:30 p.m.	Yes, if beverages are sold to students on school premises <i>before</i> the end of the school day. <sup>2</sup> For example, if school ends at 3:00 p.m., Smart Snacks applies to all beverages sold to students through 3:30 p.m.	<p>Yes, if CNPs are operating.</p> <p><b>Candy:</b> Smart Snacks already prohibits selling candy to students on school premises during the school day. In addition, Section 10-215b-1 prohibits selling and giving candy to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. For example, if the NSLP operates from 11:30 a.m. to 1:00 p.m., events cannot sell or give candy to students anywhere on school premises from 11:00 a.m. to 1:30 p.m.</p> <p><b>Coffee, tea, and soft drinks for elementary and middle school students:</b> Smart Snacks already prohibits selling coffee, tea, and soft drinks to elementary and middle school students during the school day. In addition, Section 10-215b-1 prohibits selling and giving these beverages to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. For example, if the ASP operates from 3:30 to 4:30 p.m., events cannot sell or give coffee, tea, and soft drinks to students anywhere on school premises from 3:00 p.m. to 5:00 p.m.</p> <p><b>Coffee, tea, and soft drinks for high school students:</b> Smart Snacks allows selling coffee, tea, and soft drinks to high school students at any time if these beverages comply with the requirements for the Smart Snacks category of “other flavored and/or carbonated beverages.” However, Section 10-215b-1 prohibits selling and giving these beverages to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. For example, if the NSLP operates from 11:30 a.m. to 1:00 p.m., events cannot sell or give candy, coffee, tea, and soft drinks to students anywhere on school premises from 11:00 a.m. to 1:30 p.m.</p>	Yes, if sales occur on school premises from 30 minutes before up through 30 minutes after any CNPs, including during and after the school day. For example, if the ASP operates from 3:30 to 4:30 p.m., the nonprofit food service account must receive the event’s income (including fees and ticket sales) from all foods and beverages sold at the event from 3:00 p.m. to 5:00 p.m.

<sup>1</sup> Examples of events include sports competitions, interscholastic debates, school plays, school concerts, school shows, and school fairs.

## Summary Chart: Federal and State Requirements for Competitive Foods in Private Schools and Residential Child Care Institutions

**Table 2. Does the regulation apply?**

Source of foods and beverages	USDA Smart Snacks Nutrition Standards (81 FR 50131)		State Competitive Foods Regulations	
	Foods	Beverages	Candy, coffee, tea, and soft drinks (Section 10-215b-1)	Accrual of income (Section 10-215b-23)
<b>S11: Food rewards using coupons, tickets, tokens, or similar items</b> that students exchange for foods and beverages (i.e., sales) <sup>1</sup>	No <sup>2</sup>	No <sup>2</sup>	Yes, if CNPs are operating. <sup>3</sup>  Section 10-215b-1 prohibits selling and giving candy, coffee, tea, and soft drinks to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. For example, if the SBP operates from 7:30 a.m. to 8:30 a.m. and the NSLP operates from 11:30 a.m. to 1:00 p.m., students cannot receive or exchange coupons for candy, tea, coffee, and soft drinks anywhere on school premises from 7:00 a.m. to 9:00 a.m. or 11:00 a.m. to 1:30 p.m.	No. Not applicable when income is not generated.

<sup>1</sup> The CSDE strongly discourages the use of food rewards for academic performance or good behavior. Using foods and beverages as rewards has many negative consequences that go far beyond the short-term benefits of good student behavior or performance. LEAs are encouraged to develop healthy alternatives. For more information, refer to the CSDE's resource, [Alternatives to Food Rewards](#).

<sup>2</sup> Smart Snacks applies only when students *purchase* coupons, tickets, tokens, or similar items that can be exchanged for foods and beverages. Smart Snacks does not apply when coupons, tickets, tokens, or similar items are given to students free of any charge, contribution, or suggested donation.

<sup>3</sup> Under Connecticut's competitive foods regulations, giving students coupons or similar items that can be exchanged for foods and beverages is the same as selling foods and beverages to students, regardless of when or where students can exchange them. "Sale" means the exchange of a determined amount of money or its equivalent (such as tickets, coupons, tokens, and similar items) for foods and beverages. However, Connecticut's competitive foods regulations do not apply when a student's Individualized Education Plan (IEP) requires food rewards.

## Summary Chart: Federal and State Requirements for Competitive Foods in Private Schools and Residential Child Care Institutions

**Table 2. Does the regulation apply?**

Source of foods and beverages	USDA Smart Snacks Nutrition Standards (81 FR 50131)		State Competitive Foods Regulations	
	Foods	Beverages	Candy, coffee, tea, and soft drinks (Section 10-215b-1)	Accrual of income (Section 10-215b-23)
<b>S12: Food rewards given to students</b> without exchanging coupons, tickets, tokens, or similar items for foods and beverages <sup>1</sup>	No <sup>2</sup>	No <sup>2</sup>	Yes, if CNPs are operating. <sup>3</sup>  Section 10-215b-1 prohibits selling and giving candy, coffee, tea, and soft drinks to students from 30 minutes before up through 30 minutes after the operation of the CNPs, including during and after the school day. For example, if the SBP operates from 7:30 a.m. to 8:30 a.m. and the NSLP operates from 11:30 a.m. to 1:00 p.m., candy, coffee, tea, and soft drinks cannot be given to students as rewards from 7:00 a.m. to 9:00 a.m. or 11:00 a.m. to 1:30 p.m.	No. Not applicable because food rewards do not generate income.

<sup>1</sup> The CSDE strongly discourages the use of food rewards for academic performance or good behavior. Using foods and beverages as rewards has many negative consequences that go far beyond the short-term benefits of good student behavior or performance. LEAs are encouraged to develop healthy alternatives. For more information, refer to the CSDE's resource, [Alternatives to Food Rewards](#).

<sup>2</sup> Smart Snacks applies only when students *purchase* coupons, tickets, tokens, or similar items that can be exchanged for foods and beverages. Smart Snacks does not apply when coupons, tickets, tokens, or similar items are given to students free of any charge, contribution, or suggested donation.

<sup>3</sup> Connecticut's competitive foods regulations do not apply when a student's Individualized Education Plan (IEP) requires food rewards.

# Summary Chart: Federal and State Requirements for Competitive Foods in Private Schools and Residential Child Care Institutions

Table 2. Does the regulation apply?

Source of foods and beverages	USDA Smart Snacks Nutrition Standards (81 FR 50131)		State Competitive Foods Regulations	
	Foods	Beverages	Candy, coffee, tea, and soft drinks (Section 10-215b-1)	Accrual of income (Section 10-215b-23)
<b>S13: Fundraisers during the school day</b> (conducted by school groups or non-school groups) that <b>sell</b> foods and beverages to students on school premises, <b>sell tickets</b> that can be exchanged for foods and beverages, or <b>request a suggested donation</b> in exchange for foods and beverages. <sup>1, 2</sup>	Yes, applies to all foods sold to students on school premises during the school day.	Yes, applies to all beverages sold to students on school premises during the school day.	<p>Yes, if CNPs are operating.</p> <p><b>Candy:</b> Smart Snacks already prohibits selling candy to students on school premises during the school day. In addition, Section 10-215b-1 prohibits selling and giving candy to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. For example, if the NSLP operates from 11:30 a.m. to 1:00 p.m., fundraisers cannot sell, give, or distribute candy to students anywhere on school premises from 11:00 a.m. to 1:30 p.m.</p> <p><b>Coffee, tea, and soft drinks for elementary and middle school students:</b> Smart Snacks already prohibits selling coffee, tea, and soft drinks to elementary and middle school students during the school day. In addition, Section 10-215b-1 prohibits selling and giving these beverages to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. For example, if the ASP operates from 3:30 to 4:30 p.m., fundraisers cannot sell, give, or distribute coffee, tea, and soft drinks to students anywhere on school premises from 3:00 p.m. to 5:00 p.m.</p> <p><b>Coffee, tea, and soft drinks for high school students:</b> Smart Snacks allows selling coffee, tea, and soft drinks to high school students at any time if these beverages comply with the requirements for the Smart Snacks category of “other flavored and/or carbonated beverages.” However, Section 10-215b-1 prohibits selling and giving these beverages to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. For example, if the NSLP operates from 11:30 a.m. to 1:00 p.m., fundraisers cannot sell, give, or distribute candy, coffee, tea, and soft drinks to students anywhere on school premises from 11:00 a.m. to 1:30 p.m.</p>	Yes, if sales occur on school premises from 30 minutes before up through 30 minutes after any CNPs, including during and after the school day. For example, if the NSLP operates from 11:30 a.m. to 1:00 p.m., the nonprofit food service account must receive the fundraiser’s income (including fees, ticket sales, and donations) from all foods and beverages sold to students anywhere on school premises from 11:00 a.m. to 1:30 p.m.

<sup>1</sup> “Fundraisers” are any activities during which money or its equivalent (such as tickets, coupons, tokens, and similar items) is exchanged for the purchase of a product in support of the school or school-related activities. This include any activities that suggest a student donation in exchange for foods and beverages, since funds may be raised as a result. For more information on fundraisers, refer to the CSDE’s resource, [Requirements for Food and Beverage Fundraisers in Private Schools and RCCIs](#).

<sup>2</sup> The CSDE strongly encourages schools to promote consistent health messages to students by fundraising with nonfood items or healthy foods. For more information, refer to the CSDE’s resource, [Healthy Fundraising](#).

## Summary Chart: Federal and State Requirements for Competitive Foods in Private Schools and Residential Child Care Institutions

**Table 2. Does the regulation apply?**

Source of foods and beverages	USDA Smart Snacks Nutrition Standards (81 FR 50131)		State Competitive Foods Regulations	
	Foods	Beverages	Candy, coffee, tea, and soft drinks (Section 10-215b-1)	Accrual of income (Section 10-215b-23)
<b>S14: Fundraisers after the school day or on the weekend</b> (conducted by school groups or non-school groups) that <b>sell</b> foods and beverages to students on school premises, <b>sell tickets</b> that can be exchanged for foods and beverages, or <b>request a suggested donation</b> in exchange for foods and beverages.. <sup>1, 2</sup>	No	No	Yes, if CNPs are operating.  Section 10-215b-1 prohibits selling and giving candy, coffee, tea, and soft drinks to students from 30 minutes before up through 30 minutes after the operation of any CNPs, including after the school day or on the weekend. For example, if the SBP operates from 7:30 a.m. to 8:30 a.m. and the NSLP operates from 11:30 a.m. to 1:00 p.m., fundraisers cannot sell, give, or distribute candy, coffee, tea, and soft drinks to students from 7:00 a.m. to 9:00 a.m. or 11:00 a.m. to 1:30 p.m.	Yes, if sales occur on school premises from 30 minutes before up through 30 minutes after any CNPs, including during and after the school day. For example, if the ASP operates from 3:30 to 4:30 p.m. and a fundraiser sells foods and beverages to students at an event on school premises during the same time, the nonprofit food service account must receive the fundraiser's income from all foods and beverages sold to students anywhere on school premises from 3:00 p.m. to 5:00 p.m.
<sup>1</sup> “Fundraisers” are any activities during which money or its equivalent (such as tickets, coupons, tokens, and similar items) is exchanged for the purchase of a product in support of the school or school-related activities. This include any activities that suggest a student donation in exchange for foods and beverages, since funds may be raised as a result. For more information on fundraisers, refer to the CSDE’s resource, <a href="#">Requirements for Food and Beverage Fundraisers in Private Schools and RCCIs</a> . <sup>2</sup> The CSDE strongly encourages schools to promote consistent health messages to students by fundraising with nonfood items or healthy foods. For more information, refer to the CSDE’s resource, <a href="#">Healthy Fundraising</a> .				

## Summary Chart: Federal and State Requirements for Competitive Foods in Private Schools and Residential Child Care Institutions

**Table 2. Does the regulation apply?**

Source of foods and beverages	USDA Smart Snacks Nutrition Standards (81 FR 50131)		State Competitive Foods Regulations	
	Foods	Beverages	Candy, coffee, tea, and soft drinks (Section 10-215b-1)	Accrual of income (Section 10-215b-23)
<b>S15: Meetings and programs</b> that <b>sell</b> foods and beverages to students on school premises, <b>collect a fee</b> to cover the cost of foods and beverages provided to students, or <b>sell tickets</b> that can be exchanged for foods and beverages	Yes, applies to all foods sold to students on school premises during the school day. For example, if school ends at 3:00 p.m., Smart Snacks applies to all foods sold to students through 3:30 p.m.	Yes, applies to all beverage sold to students on school premises during the school day. For example, if school ends at 3:00 p.m., Smart Snacks applies to all beverages sold to students through 3:30 p.m.	<p>Yes, if CNPs are operating.</p> <p><b>Candy:</b> Smart Snacks already prohibits selling candy to students on school premises during the school day. In addition, Section 10-215b-1 prohibits selling and giving candy to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. For example, if the NSLP operates from 11:30 a.m. to 1:00 p.m., meetings and programs cannot sell or give candy to students anywhere on school premises from 11:00 a.m. to 1:30 p.m.</p> <p><b>Coffee, tea, and soft drinks for elementary and middle school students:</b> Smart Snacks already prohibits selling coffee, tea, and soft drinks to elementary and middle school students during the school day. In addition, Section 10-215b-1 prohibits selling and giving these beverages to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. For example, if the ASP operates from 3:30 to 4:30 p.m., meetings and programs cannot sell or give coffee, tea, and soft drinks to students anywhere on school premises from 3:00 p.m. to 5:00 p.m.</p> <p><b>Coffee, tea, and soft drinks for high school students:</b> Smart Snacks allows selling coffee, tea, and soft drinks to high school students at any time if these beverages comply with the requirements for the Smart Snacks category of “other flavored and/or carbonated beverages.” However, Section 10-215b-1 prohibits selling and giving these beverages to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. For example, if the NSLP operates from 11:30 a.m. to 1:00 p.m., meetings and programs cannot sell or give candy, coffee, tea, and soft drinks to students anywhere on school premises from 11:00 a.m. to 1:30 p.m.</p>	Yes, if sales occur on school premises from 30 minutes before up through 30 minutes after any CNPs, including during and after the school day. For example, if the ASP operates from 3:30 to 4:30 p.m. and a meeting occurs during this time, the nonprofit food service account must receive the meeting’s income (including fees and ticket sales) from all foods and beverages sold to students anywhere on school premises from 3:00 p.m. to 5:00 p.m.



# Summary Chart: Federal and State Requirements for Competitive Foods in Private Schools and Residential Child Care Institutions

Table 2. Does the regulation apply?

Source of foods and beverages	USDA Smart Snacks Nutrition Standards (81 FR 50131)		State Competitive Foods Regulations	
	Foods	Beverages	Candy, coffee, tea, and soft drinks (Section 10-215b-1)	Accrual of income (Section 10-215b-23)
<b>S16: Recipient schools under interschool agreements</b> that sell foods and beverages to students on school premises, <b>collect a fee</b> to cover the cost of foods and beverages provided to students, or <b>sell tickets</b> that can be exchanged for foods and beverages <sup>1</sup>	Yes, applies to all foods sold to students on school premises during the school day. For example, if school ends at 3:00 p.m., Smart Snacks applies to all foods sold to students through 3:30 p.m.	Yes, applies to all beverage sold to students on school premises during the school day. For example, if school ends at 3:00 p.m., Smart Snacks applies to all beverages sold to students through 3:30 p.m.	<p>Yes, if CNPs are operating.</p> <p><b>Candy:</b> Smart Snacks already prohibits selling candy to students on school premises during the school day. In addition, Section 10-215b-1 prohibits selling and giving candy to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. For example, if the NSLP operates from 11:30 a.m. to 1:00 p.m., recipient schools cannot sell or give candy to students anywhere on school premises from 11:00 a.m. to 1:30 p.m.</p> <p><b>Coffee, tea, and soft drinks for elementary and middle school students:</b> Smart Snacks already prohibits selling coffee, tea, and soft drinks to elementary and middle school students during the school day. In addition, Section 10-215b-1 prohibits selling and giving these beverages to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. For example, if the ASP operates from 3:30 to 4:30 p.m., recipient schools cannot sell or give coffee, tea, and soft drinks to students anywhere on school premises from 3:00 p.m. to 5:00 p.m.</p> <p><b>Coffee, tea, and soft drinks for high school students:</b> Smart Snacks allows selling coffee, tea, and soft drinks to high school students at any time if these beverages comply with the requirements for the Smart Snacks category of “other flavored and/or carbonated beverages.” However, Section 10-215b-1 prohibits selling and giving these beverages to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. For example, if the NSLP operates from 11:30 a.m. to 1:00 p.m., recipient schools cannot sell or give candy, coffee, tea, and soft drinks to students anywhere on school premises from 11:00 a.m. to 1:30 p.m.</p>	Yes, if sales occur on school premises (including sales after the school day or on the weekend) from 30 minutes before up through 30 minutes after any CNPs, including during and after the school day. For example, if the ASP operates from 3:30 to 4:30 p.m. and an event occurs on school premises during the same time, the nonprofit food service account must receive the income (including fees and ticket sales) from all foods and beverages sold to students anywhere on school premises from 3:00 p.m. to 5:00 p.m.

<sup>1</sup> A school (recipient site) must have an interschool agreement when it receives reimbursable USDA meals or snacks from a board of education (vendor). For more information, refer to the CSDE’s interschool agreement forms on the CSDE’s [Forms for School Nutrition Programs](#) webpage.

## Summary Chart: Federal and State Requirements for Competitive Foods in Private Schools and Residential Child Care Institutions

**Table 2. Does the regulation apply?**

Source of foods and beverages	USDA Smart Snacks Nutrition Standards (81 FR 50131)		State Competitive Foods Regulations	
	Foods	Beverages	Candy, coffee, tea, and soft drinks (Section 10-215b-1)	Accrual of income (Section 10-215b-23)
<b>S17: School stores, kiosks, and other school-based enterprises</b> on school premises that <b>sell</b> foods and beverages to students on school premises, or <b>sell tickets</b> that can be exchanged for foods and beverages	Yes, applies to all foods sold to students on school premises during the school day. For example, if school ends at 3:00 p.m., Smart Snacks applies to all foods sold to students through 3:30 p.m.	Yes, applies to all beverage sold to students on school premises during the school day. For example, if school ends at 3:00 p.m., Smart Snacks applies to all beverages sold to students through 3:30 p.m.	<p>Yes, if CNPs are operating.</p> <p><b>Candy:</b> Smart Snacks already prohibits selling candy to students on school premises during the school day. In addition, Section 10-215b-1 prohibits selling and giving candy to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. For example, if the NSLP operates from 11:30 a.m. to 1:00 p.m., school stores cannot sell or distribute candy to students anywhere on school premises from 11:00 a.m. to 1:30 p.m.</p> <p><b>Coffee, tea, and soft drinks for elementary and middle school students:</b> Smart Snacks already prohibits selling coffee, tea, and soft drinks to elementary and middle school students during the school day. In addition, Section 10-215b-1 prohibits selling and giving these beverages to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. For example, if the ASP operates from 3:30 to 4:30 p.m., school stores cannot sell or distribute coffee, tea, and soft drinks to students anywhere on school premises from 3:00 p.m. to 5:00 p.m.</p> <p><b>Coffee, tea, and soft drinks for high school students:</b> Smart Snacks allows selling coffee, tea, and soft drinks to high school students at any time if these beverages comply with the requirements for the Smart Snacks category of “other flavored and/or carbonated beverages.” However, Section 10-215b-1 prohibits selling and giving these beverages to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. For example, if the NSLP operates from 11:30 a.m. to 1:00 p.m., school stores cannot sell or distribute candy, coffee, tea, and soft drinks to students anywhere on school premises from 11:00 a.m. to 1:30 p.m.</p>	Yes, if sales occur on school premises from 30 minutes before up through 30 minutes after any CNPs, including during and after the school day. For example, if the NSLP operates from 11:30 a.m. to 1:00 p.m., the nonprofit food service account must receive the school store’s income (including ticket sales) from all foods and beverages sold to students anywhere on school premises from 11:00 a.m. to 1:30 p.m.

<sup>1</sup> For more information on school stores, refer to the CSDE’s resource, [Requirements for Foods and Beverages in School Stores in Private Schools and RCCIs](#).



## Summary Chart: Federal and State Requirements for Competitive Foods in Private Schools and Residential Child Care Institutions

**Table 2. Does the regulation apply?**

Source of foods and beverages	USDA Smart Snacks Nutrition Standards (81 FR 50131)		State Competitive Foods Regulations	
	Foods	Beverages	Candy, coffee, tea, and soft drinks (Section 10-215b-1)	Accrual of income (Section 10-215b-23)
<b>S18: Seamless Summer Option (SSO) of the NSLP</b> operated by the school governing authority on school campus <sup>1</sup>	No, unless the site is also operating a summer school program and serving NSLP meals on school campus	No, unless the site is also operating a summer school program and serving NSLP meals on school campus	Yes, if the SSO is operating.  Section 10-215b-1 prohibits selling and giving candy, coffee, tea, and soft drinks to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of the SSO. For example, if the SSO serves breakfast from 7:00 a.m. to 7:30 a.m. and lunch from 11:30 a.m. to 1:00 p.m., candy, coffee, tea, and soft drinks cannot be sold or given to students anywhere on school premises from 6:30 a.m. to 8:00 a.m. or 11:00 a.m. to 1:30 p.m., either from the SSO or any other sources on school premises during these times.	Yes. Income from the SSO already accrues to the nonprofit food service account. The nonprofit food service account must also receive the income from all other sales of foods and beverages to students on school premises from 30 minutes before up through 30 minutes after the SSO. For example, if the SSO serves breakfast from 7:00 a.m. to 7:30 a.m. and lunch from 11:30 a.m. to 1:00 p.m., the nonprofit food service account must receive the income from all foods and beverages sold to students outside of the SSO from 6:30 a.m. to 8:00 a.m. or 11:00 a.m. to 1:30 p.m.
<sup>1</sup> Private schools might be eligible to participate in the SSO, but RCCIs are ineligible. For information, visit the CSDE's <a href="#">SFSP</a> and <a href="#">SSO</a> webpages.				

## Summary Chart: Federal and State Requirements for Competitive Foods in Private Schools and Residential Child Care Institutions

**Table 2. Does the regulation apply?**

Source of foods and beverages	USDA Smart Snacks Nutrition Standards (81 FR 50131)		State Competitive Foods Regulations	
	Foods	Beverages	Candy, coffee, tea, and soft drinks (Section 10-215b-1)	Accrual of income (Section 10-215b-23)
<b>S19: Special Milk Program (SMP)</b> <sup>1</sup>	No, unless the SMP operates in a school that also participates in the NSLP and SBP.	No, unless the SMP operates in a school that also participates in the NSLP and SBP.	Yes, if the SMP is operating.  Section 10-215b-1 prohibits selling and giving candy, coffee, tea, and soft drinks to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of the SMP. For example, if the SMP operates from 11:30 a.m. to 1:00 p.m., candy, coffee, tea, and soft drinks cannot be sold or given to students anywhere on school premises from 11:00 a.m. to 1:30 p.m., either from the SMP or any other sources on school premises during this time.	Yes. Income from the SMP already accrues to the nonprofit food service account. The nonprofit food service account must also receive the income from all other sales of foods and beverages to students on school premises from 30 minutes before up through 30 minutes after the SMP. For example, if the SMP operates from 11:30 a.m. to 12:30 p.m., the nonprofit food service account must receive the income from all foods and beverages sold to students anywhere on school premises from 11:00 a.m. to 1:00 p.m.

<sup>1</sup> If children have access to the NSLP and SBP, schools are ineligible to participate in the SMP. For information, visit the CSDE's [SMP](#) webpages.

## Summary Chart: Federal and State Requirements for Competitive Foods in Private Schools and Residential Child Care Institutions

**Table 2. Does the regulation apply?**

Source of foods and beverages	USDA Smart Snacks Nutrition Standards (81 FR 50131)		State Competitive Foods Regulations	
	Foods	Beverages	Candy, coffee, tea, and soft drinks (Section 10-215b-1)	Accrual of income (Section 10-215b-23)
<b>S20: Sports competitions</b> (such as games, matches, and tournaments) that <b>sell</b> foods and beverages to students on school premises or <b>sell tickets</b> that can be exchanged for foods and beverages	No, unless the sports competition sells foods to students on school premises <i>before</i> the end of the school day. For example, if school ends at 3:00 p.m., Smart Snacks applies to all foods sold to students through 3:30 p.m.	No, unless the sports competition sells beverages to students on school premises <i>before</i> the end of the school day. For example, if school ends at 3:00 p.m., Smart Snacks applies to all beverages sold to students through 3:30 p.m.	<p>Yes, if CNPs are operating.</p> <p><b>Candy:</b> Smart Snacks already prohibits selling candy to students on school premises during the school day. In addition, Section 10-215b-1 prohibits selling and giving candy to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. For example, if the NSLP operates from 11:30 a.m. to 1:00 p.m., sports competitions cannot sell or give candy to students anywhere on school premises from 11:00 a.m. to 1:30 p.m.</p> <p><b>Coffee, tea, and soft drinks for elementary and middle school students:</b> Smart Snacks already prohibits selling coffee, tea, and soft drinks to elementary and middle school students during the school day. In addition, Section 10-215b-1 prohibits selling and giving these beverages to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. For example, if the ASP operates from 3:30 to 4:30 p.m., sports competitions cannot sell or give coffee, tea, and soft drinks to students anywhere on school premises from 3:00 p.m. to 5:00 p.m.</p> <p><b>Coffee, tea, and soft drinks for high school students:</b> Smart Snacks allows selling coffee, tea, and soft drinks to high school students at any time if these beverages comply with the requirements for the Smart Snacks category of “other flavored and/or carbonated beverages.” However, Section 10-215b-1 prohibits selling and giving these beverages to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. For example, if the NSLP operates from 11:30 a.m. to 1:00 p.m., sports competitions cannot sell or give candy, coffee, tea, and soft drinks to students anywhere on school premises from 11:00 a.m. to 1:30 p.m.</p>	Yes, if sales occur on school premises from 30 minutes before up through 30 minutes after any CNPs, including during and after the school day. For example, if the At-risk Afterschool Meals program operates from 4:30 to 5:30 p.m. and a sports competition sells foods and beverages to students during the same time, the nonprofit food service account must receive the sports competition’s income (including fees and ticket sales) from all foods and beverages sold to students anywhere on school premises from 3:00 p.m. to 5:00 p.m.

# Summary Chart: Federal and State Requirements for Competitive Foods in Private Schools and Residential Child Care Institutions

Table 2. Does the regulation apply?

Source of foods and beverages	USDA Smart Snacks Nutrition Standards (81 FR 50131)		State Competitive Foods Regulations	
	Foods	Beverages	Candy, coffee, tea, and soft drinks (Section 10-215b-1)	Accrual of income (Section 10-215b-23)
<b>S21: Sports programs</b> on school premises that <b>sell</b> foods and beverages to students on school premises, <b>collect a fee</b> to cover the cost of foods and beverages provided to students, or <b>sell tickets</b> that can be exchanged for foods and beverages	No, unless the sports program sells foods to students on school premises <i>before</i> the end of the school day. For example, if school ends at 3:00 p.m., Smart Snacks applies to all foods sold to students through 3:30 p.m.	No, unless the sports program sells beverages to students on school premises <i>before</i> the end of the school day. For example, if school ends at 3:00 p.m., Smart Snacks applies to all beverages sold to students through 3:30 p.m.	<p>Yes, if CNPs are operating.</p> <p><b>Candy:</b> Smart Snacks already prohibits selling candy to students on school premises during the school day. In addition, Section 10-215b-1 prohibits selling and giving candy to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. For example, if the NSLP operates from 11:30 a.m. to 1:00 p.m., sports programs cannot sell or give candy to students anywhere on school premises from 11:00 a.m. to 1:30 p.m.</p> <p><b>Coffee, tea, and soft drinks for elementary and middle school students:</b> Smart Snacks already prohibits selling coffee, tea, and soft drinks to elementary and middle school students during the school day. In addition, Section 10-215b-1 prohibits selling and giving these beverages to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. For example, if the ASP operates from 3:30 to 4:30 p.m., sports programs cannot sell or give coffee, tea, and soft drinks to students anywhere on school premises from 3:00 p.m. to 5:00 p.m.</p> <p><b>Coffee, tea, and soft drinks for high school students:</b> Smart Snacks allows selling coffee, tea, and soft drinks to high school students at any time if these beverages comply with the requirements for the Smart Snacks category of “other flavored and/or carbonated beverages.” However, Section 10-215b-1 prohibits selling and giving these beverages to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. For example, if the NSLP operates from 11:30 a.m. to 1:00 p.m., sports programs cannot sell or give candy, coffee, tea, and soft drinks to students anywhere on school premises from 11:00 a.m. to 1:30 p.m.</p>	Yes, if sales occur on school premises from 30 minutes before up through 30 minutes after any CNPs, including during and after the school day. For example, if the At-risk Afterschool Meals program operates from 4:30 to 5:30 p.m., the nonprofit food service account must receive the sports program’s income (including fees and ticket sales) from all foods and beverages sold to students anywhere on school premises from 4:00 to 6:00 p.m.

## Summary Chart: Federal and State Requirements for Competitive Foods in Private Schools and Residential Child Care Institutions

**Table 2. Does the regulation apply?**

Source of foods and beverages	USDA Smart Snacks Nutrition Standards (81 FR 50131)		State Competitive Foods Regulations	
	Foods	Beverages	Candy, coffee, tea, and soft drinks (Section 10-215b-1)	Accrual of income (Section 10-215b-23)
<b>S22: Summer Food Service Program (SFSP)</b> (USDA) operated by the school governing authority on school campus <sup>1</sup>	No, unless the SFSP operates at a school during the school day during which summer school NSLP meals are being served on campus, and the SFSP sells foods to students separately from reimbursable SFSP meals and snacks.	No, unless the SFSP operates at a school during the school day during which summer school NSLP meals are being served on campus, and the SFSP sells beverages to students separately from reimbursable SFSP meals and snacks.	Yes, if the SFSP is operating.  Section 10-215b-1 prohibits selling and giving candy to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of the SFSP. For example, if the SFSP serves breakfast from 7:00 a.m. to 7:30 a.m. and lunch from 11:30 a.m. to 1:00 p.m., candy, coffee, tea, and soft drinks cannot be sold or given to students anywhere on school premises from 6:30 a.m. to 8:00 a.m. or 11:00 a.m. to 1:30 p.m., either from the SFSP or any other sources on school premises during these times.	Yes. Income from the SFSP already accrues to the nonprofit food service account. The nonprofit food service account must also receive the income from all other sales of foods and beverages to students on school premises from 30 minutes before up through 30 minutes after the SFSP. For example, if the SFSP serves breakfast from 7:00 a.m. to 7:30 a.m. and lunch from 11:30 a.m. to 1:00 p.m., the nonprofit food service account must receive the income from all foods and beverages sold to students outside of the SFSP from 6:30 a.m. to 8:00 a.m. or 11:00 a.m. to 1:30 p.m.

<sup>1</sup> Private schools might be eligible to participate in the SFSP, but RCCIs are ineligible. For information, visit the CSDE's [SFSP](#) and [SSO](#) webpages.

# Summary Chart: Federal and State Requirements for Competitive Foods in Private Schools and Residential Child Care Institutions

Table 2. Does the regulation apply?

Source of foods and beverages	USDA Smart Snacks Nutrition Standards (81 FR 50131)		State Competitive Foods Regulations	
	Foods	Beverages	Candy, coffee, tea, and soft drinks (Section 10-215b-1)	Accrual of income (Section 10-215b-23)
<b>S23: Summer school programs</b> (e.g., enrichment or exploratory) operated by the board of education or school governing authority that <b>sell</b> foods and beverages to students on school premises, <b>collect a fee</b> to cover the cost of foods and beverages provided to students, or <b>sell tickets</b> that can be exchanged for foods and beverages	Yes, applies to all foods sold to students on school premises during the summer school day. For example, if school ends at 3:00 p.m., Smart Snacks applies to all foods sold to students through 3:30 p.m.	Yes, applies to all beverage sold to students on school premises during the summer school day. For example, if school ends at 3:00 p.m., Smart Snacks applies to all beverages sold to students through 3:30 p.m.	<p>Yes, if CNPs are operating.</p> <p><b>Candy:</b> Smart Snacks already prohibits selling candy to students on school premises during the summer school day. In addition, Section 10-215b-1 prohibits selling and giving candy to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. For example, if the NSLP operates from 11:30 a.m. to 1:00 p.m., summer school programs cannot sell or give candy to students anywhere on school premises from 11:00 a.m. to 1:30 p.m.</p> <p><b>Coffee, tea, and soft drinks for elementary and middle school students:</b> Smart Snacks already prohibits selling coffee, tea, and soft drinks to elementary and middle school students during the summer school day. In addition, Section 10-215b-1 prohibits selling and giving these beverages to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. For example, if the ASP operates from 3:30 to 4:30 p.m., summer school programs cannot sell or give coffee, tea, and soft drinks to students anywhere on school premises from 3:00 p.m. to 5:00 p.m.</p> <p><b>Coffee, tea, and soft drinks for high school students:</b> Smart Snacks allows selling coffee, tea, and soft drinks to high school students during the summer school day if these beverages comply with the requirements for the Smart Snacks category of “other flavored and/or carbonated beverages.” However, Section 10-215b-1 prohibits selling and giving these beverages to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. For example, if the NSLP operates from 11:30 a.m. to 1:00 p.m., summer school programs cannot sell or give candy, coffee, tea, and soft drinks to students anywhere on school premises from 11:00 a.m. to 1:30 p.m.</p>	Yes, if sales occur on school premises from 30 minutes before up through 30 minutes after any CNPs, including during and after the school day. For example, if the SSO operates from 12:00 p.m. to 1:30 p.m., the nonprofit food service account must receive the summer school program’s income (including fees and ticket sales) from all foods and beverages sold to students anywhere on school premises from 11:30 a.m. to 2:00 p.m.

<sup>1</sup> Summer school programs operated by the school governing authority are part of the regular school day.



## Summary Chart: Federal and State Requirements for Competitive Foods in Private Schools and Residential Child Care Institutions

**Table 2. Does the regulation apply?**

Source of foods and beverages	USDA Smart Snacks Nutrition Standards (81 FR 50131)		State Competitive Foods Regulations	
	Foods	Beverages	Candy, coffee, tea, and soft drinks (Section 10-215b-1)	Accrual of income (Section 10-215b-23)
<b>S24: Vending machines</b> on school premises that <b>sell</b> foods and beverages to students on school premises (including tokens that students can exchange for foods and beverages in vending machines)	Yes, applies to all foods sold to students on school premises during the school day. For example, if school ends at 3:00 p.m., Smart Snacks applies to all foods sold to students through 3:30 p.m.	Yes, applies to all beverages sold to students on school premises during the school day. For example, if school ends at 3:00 p.m., Smart Snacks applies to all beverages sold to students through 3:30 p.m.	<p>Yes, if CNPs are operating.</p> <p><b>Candy:</b> Smart Snacks already prohibits selling candy to students on school premises during the school day. In addition, Section 10-215b-1 prohibits selling and giving candy to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. For example, if the NSLP operates from 11:30 a.m. to 1:00 p.m., vending machines cannot sell or distribute candy to students anywhere on school premises from 11:00 a.m. to 1:30 p.m. They must be turned off during this time.</p> <p><b>Coffee, tea, and soft drinks for elementary and middle school students:</b> Smart Snacks already prohibits selling coffee, tea, and soft drinks to elementary and middle school students during the school day. In addition, Section 10-215b-1 prohibits selling and giving these beverages to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. For example, if the ASP operates from 3:30 to 4:30 p.m., vending machines cannot sell or distribute coffee, tea, and soft drinks to students anywhere on school premises from 3:00 p.m. to 5:00 p.m. They must be turned off during this time.</p> <p><b>Coffee, tea, and soft drinks for high school students:</b> Smart Snacks allows selling coffee, tea, and soft drinks to high school students at any time if these beverages comply with the requirements for the Smart Snacks category of “other flavored and/or carbonated beverages.” However, Section 10-215b-1 prohibits selling and giving these beverages to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. For example, if the NSLP operates from 11:30 a.m. to 1:00 p.m., vending machines cannot sell or distribute candy, coffee, tea, and soft drinks to students anywhere on school premises from 11:00 a.m. to 1:30 p.m. They must be turned off during this time.</p>	Yes, if sales occur on school premises from 30 minutes before up through 30 minutes after any CNPs, including during and after the school day. For example, if the NSLP operates from 11:30 a.m. to 1:00 p.m., the nonprofit food service account must receive the vending machine’s income (including fees and token sales) from all foods and beverages sold to students anywhere on school premises from 11:00 a.m. to 1:30 p.m.

<sup>1</sup> For more information on vending machines, refer to the CSDE’s resource, [Requirements for Foods and Beverages in Vending Machines in Private Schools and RCCIs](#).

## Summary Chart: Federal and State Requirements for Competitive Foods in Private Schools and Residential Child Care Institutions

**Table 2. Does the regulation apply?**

Source of foods and beverages	USDA Smart Snacks Nutrition Standards (81 FR 50131)		State Competitive Foods Regulations	
	Foods	Beverages	Candy, coffee, tea, and soft drinks (Section 10-215b-1)	Accrual of income (Section 10-215b-23)
<b>S25: Vendors</b> (such as food service management companies (FSMCs), food trucks, caterers, online and mobile food delivery companies, and other outside entities) that <b>sell</b> foods and beverages to students on school premises, <b>collect a fee</b> to cover the cost of foods and beverages provided to students, or <b>sell tickets</b> that can be exchanged for foods and beverages	Yes, applies to all foods sold to students on school premises during the school day. For example, if school ends at 3:00 p.m., Smart Snacks applies to all foods sold to students through 3:30 p.m.	Yes, applies to all beverages sold to students on school premises during the school day. For example, if school ends at 3:00 p.m., Smart Snacks applies to all beverages sold to students through 3:30 p.m.	<p>Yes, if CNPs are operating.</p> <p><b>Candy:</b> Smart Snacks already prohibits selling candy to students on school premises during the school day. In addition, Section 10-215b-1 prohibits selling and giving candy to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. For example, if the NSLP operates from 11:30 a.m. to 1:00 p.m., vendors cannot sell or give candy to students anywhere on school premises from 11:00 a.m. to 1:30 p.m.</p> <p><b>Coffee, tea, and soft drinks for elementary and middle school students:</b> Smart Snacks already prohibits selling coffee, tea, and soft drinks to elementary and middle school students during the school day. In addition, Section 10-215b-1 prohibits selling and giving these beverages to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. For example, if the ASP operates from 3:30 to 4:30 p.m., vendors cannot sell or give coffee, tea, and soft drinks to students anywhere on school premises from 3:00 p.m. to 5:00 p.m.</p> <p><b>Coffee, tea, and soft drinks for high school students:</b> Smart Snacks allows selling coffee, tea, and soft drinks to high school students at any time if these beverages comply with the requirements for the Smart Snacks category of “other flavored and/or carbonated beverages.” However, Section 10-215b-1 prohibits selling and giving these beverages to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. For example, if the NSLP operates from 11:30 a.m. to 1:00 p.m., vendors cannot sell or give candy, coffee, tea, and soft drinks to students anywhere on school premises from 11:00 a.m. to 1:30 p.m.</p>	Yes, if sales occur on school premises from 30 minutes before up through 30 minutes after any CNPs, including during and after the school day. For example, if the NSLP operates from 11:30 a.m. to 1:00 p.m., the nonprofit food service account must receive the vendors’ income (including fees and ticket sales) from all foods and beverages sold to students anywhere on school premises from 11:00 a.m. to 1:30 p.m.



# Summary Chart: Federal and State Requirements for Competitive Foods in Private Schools and Residential Child Care Institutions

## Resources

A Guide to Smart Snacks in School (USDA):

[https://fns-prod.azureedge.net/sites/default/files/tn/508\\_USDASmartSnacks\\_508\\_82218.pdf](https://fns-prod.azureedge.net/sites/default/files/tn/508_USDASmartSnacks_508_82218.pdf)

Competitive Foods in Schools (CSDE webpage)

<https://portal.ct.gov/SDE/Nutrition/Competitive-Foods>

CSDE Operational Memorandum No. 1-18: Accrual of Income from Sales of Competitive Foods in Schools:

<https://portal.ct.gov/-/media/SDE/Nutrition/NSLP/Memos/OM2018/OM01-18.pdf>

Final Rule: National School Lunch Program and School Breakfast Program: Nutrition Standards for All Foods Sold in School as Required by the HHSFKA of 2010 (81 FR 50131).

<https://www.fns.usda.gov/school-meals/fr-072916d>

Guidance on Evaluating Recipes for Compliance with the Connecticut Nutrition Standards (CSDE):

[https://portal.ct.gov/-/media/SDE/Nutrition/HFC/Evaluating\\_Recipes\\_CNS\\_Compliance.pdf](https://portal.ct.gov/-/media/SDE/Nutrition/HFC/Evaluating_Recipes_CNS_Compliance.pdf)

Guide to Competitive Foods in Private Schools and Residential Child Care Institutions (CSDE):

[https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/Competitive\\_Foods\\_Guide\\_Private\\_RCCI.pdf](https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/Competitive_Foods_Guide_Private_RCCI.pdf)

Healthy Fundraising (CSDE):

<https://portal.ct.gov/-/media/SDE/Nutrition/Resources/HealthyFundraising.pdf>

List of Acceptable Foods and Beverages (CSDE webpage):

<https://portal.ct.gov/SDE/Nutrition/List-of-Acceptable-Foods-and-Beverages>

Overview of Connecticut Competitive Foods Regulations (CSDE):

[https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/Overview\\_CT\\_Competitive\\_Foods\\_Regulations.pdf](https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/Overview_CT_Competitive_Foods_Regulations.pdf)

Overview of Federal and State Laws for Competitive Foods in Connecticut Public Schools, Private Schools, and Residential Child Care Institutions (CSDE):

[https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/Overview\\_Federal\\_State\\_Laws\\_Competitive\\_Foods.pdf](https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/Overview_Federal_State_Laws_Competitive_Foods.pdf)

Questions and Answers on Smart Snacks (CSDE):

<https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/SmartSnacksQA.pdf>

## Summary Chart: Federal and State Requirements for Competitive Foods in Private Schools and Residential Child Care Institutions

Requirements for Competitive Foods in Private Schools and Residential Child Care Institutions (CSDE):

[https://portal.ct.gov/-/media/SDE/Nutrition/HFC/Requirements\\_Competitive\\_Foods\\_Private\\_RCCI.pdf](https://portal.ct.gov/-/media/SDE/Nutrition/HFC/Requirements_Competitive_Foods_Private_RCCI.pdf)

Requirements for Foods and Beverages in Culinary Programs in Private Schools and Residential Child Care Institutions (CSDE):

[https://portal.ct.gov/-/media/SDE/Nutrition/HFC/Culinary\\_Programs\\_Requirements\\_Private\\_RCCI.pdf](https://portal.ct.gov/-/media/SDE/Nutrition/HFC/Culinary_Programs_Requirements_Private_RCCI.pdf)

Requirements for Food and Beverage Fundraisers in Private Schools and Residential Child Care Institutions (CSDE):

[https://portal.ct.gov/-/media/SDE/Nutrition/HFC/Fundraiser\\_Requirements\\_Private\\_RCCI.pdf](https://portal.ct.gov/-/media/SDE/Nutrition/HFC/Fundraiser_Requirements_Private_RCCI.pdf)

Requirements for Foods and Beverages in School Stores in Private Schools and Residential Child Care Institutions (CSDE):

[https://portal.ct.gov/-/media/SDE/Nutrition/HFC/School\\_Store\\_Requirements\\_Private\\_RCCI.pdf](https://portal.ct.gov/-/media/SDE/Nutrition/HFC/School_Store_Requirements_Private_RCCI.pdf)

Requirements for Foods and Beverages in Vending Machines in Private Schools and Residential Child Care Institutions (CSDE):

[https://portal.ct.gov/-/media/SDE/Nutrition/HFC/Vending\\_Machine\\_Requirements\\_Private\\_RCCI.pdf](https://portal.ct.gov/-/media/SDE/Nutrition/HFC/Vending_Machine_Requirements_Private_RCCI.pdf)

Resources for Meeting the Federal and State Requirements for Competitive Foods in Schools (CSDE):

[https://portal.ct.gov/-/media/SDE/Nutrition/HFC/Resources\\_Federal\\_State\\_Requirements\\_Competitive\\_Foods.pdf](https://portal.ct.gov/-/media/SDE/Nutrition/HFC/Resources_Federal_State_Requirements_Competitive_Foods.pdf)

Sections 10-215b-1 and 10-215b-23 of the Regulations of Connecticut State Agencies:

[https://eregulations.ct.gov/eRegsPortal/Browse/RCSA/Title\\_10Subtitle\\_10-215b/](https://eregulations.ct.gov/eRegsPortal/Browse/RCSA/Title_10Subtitle_10-215b/)

Smart Foods Planner (Alliance for a Healthier Generation):

<https://foodplanner.healthiergeneration.org/>

Smart Snacks Calculator (Alliance for a Healthier Generation):

<https://foodplanner.healthiergeneration.org/calculator/>

Smart Snacks Nutrition Standards (CSDE webpage):

<https://portal.ct.gov/SDE/Nutrition/Smart-Snacks-Nutrition-Standards>

Summary of Smart Snacks Nutrition Standards (CSDE):

[https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/Summary\\_Smart\\_Snacks\\_Nutrition\\_Standards.pdf](https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/Summary_Smart_Snacks_Nutrition_Standards.pdf)

# Summary Chart: Federal and State Requirements for Competitive Foods in Private Schools and Residential Child Care Institutions



For more information, visit the CSDE's [Healthy Food Certification](#) and [Connecticut Nutrition Standards](#) webpages, or contact the [HFC Coordinator](#) at the Connecticut State Department of Education, Bureau of Health/Nutrition, Family Services and Adult Education, 450 Columbus Boulevard, Suite 504, Hartford, CT 06103-1841.

This document is available at [https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/Summary\\_Chart\\_Requirements\\_Competitive\\_Foods\\_Private\\_RCCI.pdf](https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/Summary_Chart_Requirements_Competitive_Foods_Private_RCCI.pdf).

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](#), (AD-3027) found online at: [How to File a Complaint](#), and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

- (1) mail: U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410;
- (2) fax: (202) 690-7442; or
- (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

This institution is an equal opportunity provider.

The Connecticut State Department of Education is committed to a policy of equal opportunity/affirmative action for all qualified persons. The Connecticut Department of Education does not discriminate in any employment practice, education program, or educational activity on the basis of age, ancestry, color, criminal record (in state employment and licensing), gender identity or expression, genetic information, intellectual disability, learning disability, marital status, mental disability (past or present), national origin, physical disability (including blindness), race, religious creed, retaliation for previously opposed discrimination or coercion, sex (pregnancy or sexual harassment), sexual orientation, veteran status or workplace hazards to reproductive systems, unless there is a bona fide occupational qualification excluding persons in any of the aforementioned protected classes.

Inquiries regarding the Connecticut State Department of Education's nondiscrimination policies should be directed to: Levy Gillespie, Equal Employment Opportunity Director/Americans with Disabilities Coordinator (ADA), Connecticut State Department of Education, 450 Columbus Boulevard, Suite 505, Hartford, CT 06103, 860-807-2071, [levy.gillespie@ct.gov](mailto:levy.gillespie@ct.gov).